

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RONALD RICHARDSON	)	CASE NO 1:16-cv-02546
On behalf of himself and all others	)	
similarly situated,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
Plaintiff,	)	
v.	)	
	)	
MEDPORT, INC., et al.	)	<b><u>PROPOSED PLAN FOR NOTICE</u></b>
	)	<b><u>TO POTENTIAL OPT-INS</u></b>
Defendants.	)	

In compliance with the Court's November 22, 2017 order, the parties respectfully submit this proposed plan for notice to the Potential Opt-Ins.

**I. THE POTENTIAL OPT-INS**

On August 14, 2017, Plaintiff and all Defendants stipulated that the Court could conditionally certify this case a collective action under 29 U.S.C. § 216(b) on behalf of:

All current and former employees of Medport, Inc. who worked as drivers and were paid on a salary basis but were not exempt from overtime, and who worked more than forty hours in one or more workweeks during the period three years preceding the commencement of this action to the present.

Stipulation and Proposed Order for Conditional Certification, Notice, and Temporary Stay (ECF # 31). The Court granted conditional certification on August 15, 2017.

**II. PLAN FOR NOTICE**

The parties proposed the following steps and provisions regarding notice to the Potential Opt-Ins.

1. Within ten days from the Court's approval of this plan, Defendant Medport, Inc. ("Medport") will provide a list of the Potential Opt-Ins ("Roster") to Plaintiffs' counsel. The Roster will be in Excel format and will include the Potential Opt-Ins' full names, dates of employment, last known home or mailing addresses, and personal email addresses, to the full extent known by Defendant, its human resources consultants or payroll services. For any Potential Opt-Ins to whom mailings to their last known home or mailing addresses or email addresses are returned as undeliverable, Defendant will provide phone numbers upon request to the extent known to Defendant.

2. Also within ten days, the parties will jointly submit a proposed Notice and Consent Form ("Notice"), requesting approval by the Court.

3. Within seven days after the Court's approval of the Notice, Plaintiffs' counsel will send the Notice to all Potential Opt-Ins. The Notice will be sent by first-class mail to their last-known home or mailing addresses and email addresses, as shown in the Roster.

4. Plaintiff's counsel will send duplicate copies of the Notice to Potential Opt-Ins in the event new, updated, or corrected mailing addresses are found, and may distribute copies upon request.

5. Plaintiff proposes that the deadline for Potential Opt-Ins to return Consent Forms shall be forty-five days from the date of mailing. Defendants Medport, Inc. and James J. Reinholz propose that the deadline for Potential Opt-Ins to return Consent Forms shall be thirty days from the date of mailing. That date will be inserted into the Notice prior to distribution.

6. Plaintiffs' counsel will be responsible for receiving signed Consent Forms, filing them with the Court, and circulating copies to all counsel.

Respectfully submitted,

s/ Scott D. Perlmutter

Scott D. Perlmutter (0082856)  
2012 West 25<sup>th</sup> Street, Ste. 515  
Cleveland, Ohio 44113  
216-308-1522  
[scott@tittlelawfirm.com](mailto:scott@tittlelawfirm.com)

s/ Thomas A. Downie

Thomas A. Downie (0033119)  
46 Chagrin Falls Plaza #104  
Chagrin Falls, Ohio 44022  
440-973-9000  
[tom@chagrinlaw.com](mailto:tom@chagrinlaw.com)

Counsel for Plaintiff

**ZASHIN & RICH CO., L.P.A.**

s/ Michele L. Jakubs

Stephen S. Zashin (0064557)  
Michele L. Jakubs (0071037)  
950 Main Avenue  
4<sup>th</sup> Floor  
Cleveland, OH 44113  
Tel: (216) 696-4441  
Tel: (216) 696-1618  
[ssz@zrlaw.com](mailto:ssz@zrlaw.com)  
[mlj@zrlaw.com](mailto:mlj@zrlaw.com)

*Attorneys for Defendants  
Medport, Inc. and James J. Reinholz*

s/ Neal Shah

FROST BROWN TODD LLC  
Tessa L. Castner (0093808)

Grant S. Cowan (0029667)  
Neal Shah (0082672)  
3300 Great American Tower  
301 East Fourth Street  
Cincinnati, OH 45202  
Tel: (513) 651-6800  
Fax: (513) 651-6981  
[tcastner@fbtlaw.com](mailto:tcastner@fbtlaw.com)  
[gcowan@fbtlaw.com](mailto:gcowan@fbtlaw.com)  
[nshah@fbtlaw.com](mailto:nshah@fbtlaw.com)

*Attorneys for Defendant  
HumaCare, Inc*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on December 7, 2017, this *Proposed Plan for Notice to Potential Opt-Ins* was filed electronically. Notice of this filing will be sent to all parties by operation of the court's electronic filing system. Parties may access this filing through the court's system.

s/ Scott D. Permuter  
Scott D. Perlmutter (0082856)